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10/585,285	07/10/2007	Peter Wiedemann	DAY1132995	9873
26389 7590 08/30/2011 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
EXAMINER				
TRAN, THIEN S				
ART UNIT		PAPER NUMBER		
3742				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

efiling@cojk.com

Office Action Summary**Application No.**

10/585,285

Applicant(s)

WIEDEMANN ET AL.

Examiner

THIEN TRAN

Art Unit

3742

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,2,4,19-22,24 and 26-29 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,2,4,19-22,24 and 26-29 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-SB-005)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1, Lines 4, 12, 14, 17, 18 and 21 recites "and/or" which the examiner considers as indefinite because it is unclear if the limitations after "and/or" are include in the claims. It is suggested to change to either --and-- or --or-- to overcome this indefinite rejection. Appropriate correction is required.
4. Claims 2, 4, 19-22, 24 and 26-29 are also rejected because they are dependent on claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. Claims 1, 4, 19, 21, 23, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaish (US 5,997,928) in view of Juergen (DE 19832757), Wolfgang (DE 19830844) and Andreas (DE 19802594). An English machine translation of Andreas (DE 19802594) has been provided and is included in the Notice of Reference Cited (PTO-892).
8. Regarding claim 1, Kaish teaches a cooking device (Fig 1, Item 1, Col 3, Lines 22-35 & Col 6, Lines 31-36, microwave-convection oven), comprising: an input configured to receive information regarding at least one of a geographic location (Fig 10, Item 107, Col 11, Lines 1-5, GPS) of the cooking device and a selectable operating language of the cooking device; a control and/or regulating unit (Figs 1 & 10, Items 16 & 106, Col 10, Lines 65-67 & Col 11, Line 1); and a control element (Fig 10, Item 100, Col 10, Lines 55-60) communicatively connected to the input and the control (Fig 10, Item 107) and/or regulating unit (Fig 10, Item 106), the control element including at least one modification function element (Figs 1 & 10, Items 16 & 106) and at least one confirmation and/or storage function element (Fig 10, Items 101 & 102, Col 10, Lines 55-60).
9. Kaish discloses the claimed invention except for the control and/or regulating unit is configured to implement a predetermined cooking program or a predetermined cooking mode of operation using at least one cooking parameter that is adapted to be

preset for the predetermined cooking program or predetermined cooking mode of operation, the cooking parameter having a value that reflects at least one of the geographic location of the cooking device and the selectable operating language of the cooking device, the value of the cooking parameter defines an environmental cooking condition inside the cooking device for the predetermined cooking program or predetermined cooking mode of operation; the modification function element being operable to modify the preset cooking parameter; and the confirmation and/or storage function element being operable to confirm, accept and/or store the modified cooking parameter during a predetermined time period, the control element is configured to receive information via the input and to automatically preset the cooking parameter as a function of the geographic location of the cooking device and/or as a function of a selected operating language of the cooking device.

10. In analogous art of domestic electric appliance control, Juergen discloses the control and/or regulating unit (Fig 1, Items 50 & 60, Pg 8, Pgh 2) operating unit and control device) is configured to implement a predetermined cooking program (Pg 5, Pgh 5, pre-set operating program) or a predetermined cooking mode of operation (Pg 6, Pgh 1, pre-set operating procedure) using at least one cooking parameter (Pg 5, Pgh 5, change the program parameter & Pg 7, Pgh 2) that is adapted to be preset for the predetermined cooking program (Pg 5, Pgh 5, pre-set operating program) or predetermined cooking mode of operation (Pg 6, Pgh 1, pre-set operating procedure), the cooking parameter having a value that reflects at least one of the geographic location of the cooking device and the selectable operating language (Pg 4, Pgh 1,

convert the terms into another language) of the cooking device; the modification function element (Fig 1, Items 20 & 23, Pg 9, Pgh 1, input operating elements) being operable to modify the preset cooking parameter; and the confirmation and/or storage function element being operable to confirm, accept and/or store the modified cooking parameter (Pg 5, Pgh 5, Pgh 6, Pgh 1 & 4) during a predetermined time period for the purpose of providing a program-controlled operating interface that displays the specific function configuration in a simple and cost efficient manner to control an electric domestic appliance (Pg 4, Pghs 1 & 2). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Kaish with the regulating unit of Juergen for the purpose of providing a program-controlled operating interface that displays the specific function configuration in a simple and cost efficient manner to control an electric domestic appliance.

11. In analogous art of control arrangement for a program-controlled domestic appliance with country program list, Wolfgang discloses the value of the cooking parameter (Fig 1, Item 1, Pg 1, Pgh 2) defines an environmental cooking condition inside the cooking device for the predetermined cooking program or predetermined cooking mode of operation (Pg 1, Pgh 1) for the benefit of taking into consideration country-specific cooking and food patterns (Pg 2, Pgh 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings Kaish and Juergen with the control arrangement of Wolfgang for the benefit of taking into consideration country-specific cooking and food patterns.

12. In analogous art of automatic control of certain functions, Andreas discloses the control element (Fig 1, Item 2, Pg 5, Lines 28-32) is configured to receive information (Fig 1, Item 5, Pg 5, Lines 28-32) via the input (Item 6, Pg 5, Lines 1-22) and to automatically preset the parameter as a function of the geographic location of the device and/or as a function of a selected operating language of the device (Pg 4, Lines 30-40 & Pg 5, Lines 28-36) for the purpose of determining country specific parameters and adjusting the device control functions accordingly (Pg 4, Lines 30-40). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Kaish, Juergen and Wolfgang with the automatic control element function of Andreas for the purpose of determining country specific parameters and adjusting the device control functions accordingly.

13. Regarding claim 4, Juergen discloses comprising predetermined unchangeable limits within which the at least on modification function element is configured to modify the cooking parameter (Pg 5, Pgh 5, device is set in operation with a pre-set operating program, the user can still adapt or change the program parameters by actuating the function operating elements) for the purpose of providing a program-controlled operating interface that displays the specific function configuration in a simple and cost efficient manner to control an electric domestic appliance (Pg 4, Pghs 1 & 2). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Kaish with the regulating unit of Juergen for the purpose of providing a program-controlled operating interface that displays the specific function

configuration in a simple and cost efficient manner to control an electric domestic appliance.

14. Regarding claim 19, Juergen discloses the control element (Fig 1, Items 50 & 60, Pg 8, Pgh 2, operating unit and control device) is configured to preset all of the cooking parameters (Pg 5, Pgh 5, device is set in operation with a pre-set operating program). Kaish and Juergen discloses the claimed invention except for the control element is configured to preset the cooking parameters as a function of the location of the cooking device and/or the selected operating language of the cooking device. In analogous art of control arrangement for a program-controlled domestic appliance with country program list, Wolfgang discloses the control element (Fig 1, Item 1, Pg 2, Pgh 8, control unit) is configured to preset the cooking parameters as a function of the location of the cooking device and/or the selected operating language of the cooking device (Pg 1, Pgh 4 & Pg 2, Pgh 1) for the benefit of taking into consideration country-specific cooking and food patterns (Pg 2, Pgh 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings Kaish and Juergen with the location system of Wolfgang for the benefit of taking into consideration country-specific cooking and food patterns.

15. Regarding claim 21, Juergen discloses the predetermined unchangeable limits are preset (Pg 5, Pgh 5, device is set in operation with a pre-set operating program, the user can still adapt or change the program parameters by actuating the function operating elements). Kaish and Juergen discloses the claimed invention except for the limits are preset based on the location of the cooking device and/or the selected

operating language. In analogous art of control arrangement for a program-controlled domestic appliance with country program list, Wolfgang discloses the limits are preset based on the location of the cooking device and/or the selected operating language (Pg 1, Pgh 4 & Pg 2, Pgh 1) for the benefit of taking into consideration country-specific cooking and food patterns (Pg 2, Pgh 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings Kaish and Juergen with the location system of Wolfgang for the benefit of taking into consideration country-specific cooking and food patterns.

16. Regarding claim 22, Kaish teaches the input comprises a locating system (Fig 10, Item 107, Col 11, Lines 1-5, GPS) that is configured to automatically detect the location of the cooking device (Fig 1, Item 1, Col 3, Lines 22-35 & Col 6, Lines 31-36, microwave-convection oven).

17. Regarding claim 24, Kaish, Juergen and Wolfgang discloses the claimed invention except for the control element is configured to preset the cooking parameters as a function of the location detected by the locating system. In analogous art of automatic control of certain functions, Andreas discloses the control element (Fig 1, Item 2, Pg 5, Lines 28-32) is configured to preset the parameters as a function of the location (Pg 4, Lines 30-40 & Pg 5, Lines 28-36) detected by the locating system (Item 6, Pg 5, Lines 1-22) for the purpose of determining country specific parameters and adjusting the device control functions accordingly (Pg 4, Lines 30-40). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Kaish, Juergen and Wolfgang with the automatic control

element function of Andreas for the purpose of determining country specific parameters and adjusting the device control functions accordingly.

18. Regarding claim 26, Kaish teaches the geographic location of the cooking device is a country-specific location. The examiner interprets that it is inherent that the geographic location of the cooking device is a country-specific location. If the location of the cooking device is located in the US, then the device is specific to the US. If the location of the cooking device is located in Germany, then the device is specific to the Germany.

19. Regarding claim 27, Juergen discloses the confirmation and/or storage function element (Fig 1, Item 50, Pg 9, Pgh 3, memory for storing program parameters) is operable to automatically confirm, accept and/or store the modified cooking parameter (Pg 5, Pgh 5 & Pg 6, Pgh 1 & Pg 4) after the predetermined time period lapses (Pg 4, Pgh 3 & 4, automatically started after a predetermined time & Pg 7, Pgh 1) for the purpose of providing a program-controlled operating interface that displays the specific function configuration in a simple and cost efficient manner to control an electric domestic appliance (Pg 4, Pghs 1 & 2). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Kaish with the regulating unit of Juergen for the purpose of providing a program-controlled operating interface that displays the specific function configuration in a simple and cost efficient manner to control an electric domestic appliance.

20. Regarding claim 28, Kaish and Juergen discloses the claimed invention except for the environmental cooking condition is at least one of temperature, humidity and

time of cooking. In analogous art of control arrangement for a program-controlled domestic appliance with country program list, Wolfgang discloses the environmental cooking condition (Fig 1, Item 1, Pg 1, Pgh 2) is at least one of temperature, humidity and time of cooking (Pg 2, Last Pgh, control data like oven temperature, or the time of cooking of the a special cooking method or program) for the benefit of taking into consideration country-specific cooking and food patterns (Pg 2, Pgh 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings Kaish and Juergen with the control arrangement of Wolfgang for the benefit of taking into consideration country-specific cooking and food patterns.

21. Regarding claim 29, Kaish teaches the modification function element is at least one of a dial, display and a touch screen (Figs 1 & 10, Items 16 & 106, Col 10, Lines 65-67 & Col 11, Line 1, information display).

22. Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaish (US 5,997,928), Juergen (DE 19832757), Wolfgang (DE 19830844) and Andreas (DE 19802594) as applied to claim 1, in view of Belt (US Patent 6,193,422).

23. Regarding claim 2, Kaish, Juergen, Wolfgang and Andreas discloses the claimed invention except for the control element can adjust the predetermine time period. In analogous art of implementation of idle mode in a suspend/resume microprocessor system, Belt discloses the control element (Fig 1, Item 11, Col 3, Lines 2-14) can adjust the predetermine time period (Col 3, Lines 9-14 & Col 5, Lines 10-20) for the benefit of operating the system with certain power savings factors (Col 5, Lines 30-35). It would have been obvious to one having ordinary skill in the art at the time of the invention to

combine the teachings of Kaish, Juergen, Wolfgang and Andreas with the adjustable delay of Belt for the benefit of operating the system with certain power savings factors. Examiner interprets that because the idle time of Belt can be set to 8 seconds, the timer can also be adjusted to a different time value.

24. Regarding claim 20, Juergen discloses a predetermined time period (Pg 4, Pgh 3 & 4, automatically started after a predetermined time). Kaish, Juegen, Wolfgang and Andreas discloses the claimed invention except for the predetermined time period is approximately one second to approximately thirty seconds after the last activation of the control element. In analogous art of implementation of idle mode in a suspend/resume microprocessor system, Belt discloses the predetermined time period is approximately one second to approximately thirty seconds after the last activation of the control element (Col 5, Lines 10-20, preset for idle timer is 8 seconds) for the benefit of operating the system with certain power savings factors (Col 5, Lines 30-35). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Kaish, Juergen, Wolfgang and Andreas with the delay of Belt for the benefit of operating the system with certain power savings factors.

Response to Amendment

- 25. Claims 3, 5-18, 23 and 25 are cancelled.
- 26. Claims 28 and 29 are new.
- 27. Claims 1 and 22 have been amended.
- 28. Claims 1, 2, 4, 19-22, 24 and 26-29 are pending.

Response to Arguments

29. Applicant's arguments with respect to claims 1, 2, 4, 19-22, 24 and 26-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIEN TRAN whose telephone number is (571)270-7745. The examiner can normally be reached on Mon-Friday, 8-5PM EST.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THIEN TRAN/
Examiner, Art Unit 3742
8/24/2011

/TU B HOANG/
Supervisory Patent Examiner, Art Unit 3742